

SHORT FATAWAS

THE RULING OF PEOPLE
IN DAR AL-KUFR

SHAYKH ABU BARA'A AS-SAYF



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Fatwa:

Question:

How do I rule the people in dar al-kufr tari' (i.e., a land which was once ruled with Islam but later the rulings of kuffar became prevalent therein), in which the kuffar and Muslims are mixed?

And how do I pass the ruling of kufr in the city in which I live, and when I rule an individual when dealing with them, must the kufr they committed be made clear to me first?

Or how do I rule a majhool al-hāl (i.e., one whose religion isn't known) among them?

Answer:

A summary of passing ruling upon the people is as follows:

The people in diyar al-kufr tari' s/lands of kufr (which were once ruled by Islam) in which kuffar and Muslims are mixed are according to the following categories:

1 - Ma'loom al- hāl bil kufr: (i.e., one whose condition is known with kufr). He is one who has displayed kufr by the tongue or limbs, and it has been proven and confirmed that he did so, and he publicly manifested it and is known for it. This one is a kafir upon any land and under every sky, (i.e., he is a kafir wherever he is found).

2 - Mastoor al-hāl/Ma'loom al- hāl bil – Islam: (i.e., one who has signs of Islam upon him/or is known for his Islam). He is one who has displayed the Shahadatyn, or Salāh, or attributes himself to Islam, or he displays signs which are distinct and particular to the Muslims in that village, town or land, like the dress -code, i.e., wearing the clothes above the ankles, lengthening of the beard and shaving of the moustache, and involvement in a nullifier of Islam hasn't been confirmed or proven against him with shar'i evidence, by two just

witnesses, or he himself confessing to it. This one is a Muslim upon any given land and under every sky, (i.e., he is a Muslim wherever he is found).

3 - Majhool al-hāl: (i.e., one whose condition [of religion] is unknown) for the one who intends to pass a specific ruling on him. He is the one upon whom there is no sign of Islam like the Shahadatyn, Salah, or attribution to Islam, or another apparent sign which differentiates the Muslims (from people of other religions), and he doesn't display (involvement) in any nullifier, in a village/land where the kuffar are mixed with the Muslims. Or (the majhool al-hāl) is the one whose condition is similar that of a slave who is mixed among those who have embraced Islam with those who have remained upon kufr..

Regarding this one, (i.e., majhool al-hāl), Allah hasn't charged us with passing a ruling upon him at the onset with a particular ruling, until we enquire about his religion anything which indicates to his Islam - just like the Prophet ﷺ did with the slave -girl, as is mentioned in the hadith in Sahih Muslim - or he may ask trustworthy witnesses (regarding him).

This is because passing rulings of Islam or kufr on the people is a Shahadah (i.e., witness testimony), and a testimony is built on having knowledge of the matter and the situation of the one who is witnessed against, and it cannot be built on ignorance/unawareness, and one is not obliged to give a testimony on that which he is unaware of.

Allah said, *{It is not for the polytheists to maintain the mosques of Allāh [while] witnessing against themselves with disbelief. [For] those, their deeds have become worthless, and in the Fire they will abide eternally.}* [Tawbah:17]

And He the Most High said, *{..and they will bear witness against themselves that they were disbelievers.}* [A'raf:37]

And Allah the Most High said, *{But when Jesus felt [persistence in] disbelief from them, he said, "Who are my supporters for [the cause of] Allāh?" The disciples said, "We are supporters for Allāh. We have believed in Allāh and testify that we are Muslims [submitting to Him].}* [3:52]

And Allah the Most High says, *{Say, "O People of the Scripture, come to a word that is equitable between us and you - that we will not worship except Allāh and not associate anything with Him and not take one another as lords instead of Allāh."}*¹ *But if they turn away, then say, "Bear witness that we are Muslims [submitting to Him]."*} [3:64]

And since passing a ruling upon people with Islam or kufr is a testimony, then a testimony is not accepted except from the one who has knowledge of what he is testifying about, (i.e., the rulings of kufr, takfeer and its conditions), and knows the condition of the one who is testified against (i.e., the particular individual)..

And Allah said, *{and we did not testify except to what we knew. And we were not witnesses of the unseen.}* [12:81]

And this is proof that witness testimonies are established on knowledge, not on ignorance..

Al-Qurtubi (may Allah have mercy on him) said in his tafseer of this verse: ("This verse contains the permissibility of providing a testimony (for a matter), by any means knowledge (for that matter) was acquired because the testimony is tied to knowledge, both intellectually and shar'i. Therefore, it is not heard (accepted) except from those who have knowledge (of it), and it is not accepted except from them, and this is the principle for testimonies.") [End of quote]

Therefore..

A testimony against a mukallaf whose condition of religion one is unaware of, and the individual upon whom the ruling shall be passed hasn't displayed anything of Islam or kufr, (who resides in a place where kuffar are mixed with the Muslims, or the condition of the individual is like that regarding whom the rulings of Islam and kufr are mixed/confusing, like a slave), so he has no signs which indicate to his religion, this is a testimony based on ignorance/unawareness, and is unacceptable according to Shari'ah, and Allah hasn't charged us with such a matter in His Deen or in His Shari'ah, and there is

no evidence on such a responsibility like this (i.e., to pass general rulings on those whose condition one is unaware of).

And if we wish to pass a ruling on a specific individual whose religion we are don't know, in such a case, we do as the Prophet ﷺ did with the slave-girl, when he ordered her master Mu'awiyah bin al-Hakam al-Sulami, (who had slapped her), to set her free, by asking her that which indicated to her testimony to the Shahadatayn, then he ruled her with Iman and dealt with like that of a Muslim slave with regards to her manumission..

It has been reported in Sahih Muslim, on the authority of Mu'āwiya bin al-Hakam Sulami, he said, (*"I had a maid-servant who tended goats by the side of Uhud and Jawwaniya. One day I happened to pass that way and found that a wolf had carried a goat from her flock. I am after all a man from the posterity of Adam. I felt sorry as they (human beings) feel sorry. So I slapped her. I came to the Messenger of Allah (ﷺ) and felt (this act of mine) as something grievous I said: Messenger of Allah, should I not grant her freedom? He (the Holy Prophet) said: Bring her to me. So I brought her to him. He said to her: Where is Allah? She said: He is in the heaven. He said: Who am I? She said: Thou art the Messenger of Allah. He said: 'set her free, for she is a believer.' "*)

So this principle is applied for everyone whose religion we don't know of, whether it is in a place where the kuffar reside mixed with the muslimeen, and he doesn't display anything which indicates to his religion, or his condition is confusing, between Islam and kufr, like that of a slave who is captured and enslaved, then some from among them embrace Islam while others remain upon kufr..

So we are not made responsible for passing a specific ruling upon them from the onset, because it would be a forged statement and a false testimony which is based on ignorance. However, we rule them with Islam, after asking them that which indicates to their Islam, thereafter we rule them by what appears from them outwardly, and deal with them according to what they deserve, either with the rulings of Islam or rulings of kufr, just as the Prophet ﷺ did with the slave-girl.

Mas'alah: What if one is unable to ask regarding the religion of the majhool al-hāl before passing a specific ruling upon him, and intends to treat/deal with him as a disbeliever or Muslim, what should one do?!

Answer: Here - which is a summary of the statements of the scholars - the ruling on him is based on ijtiḥad, according to the condition of the people of the town or village he is from, which is as follows:

The first situation: If there is a village or town in which the majority are Muslims mastoor al-hāl (i.e., who display signs of Islam), and the kuffar who display kufr are rare, then the majhool al-hāl (one whose condition of religion is unknown) therein, with regards to His religion is a Muslim, until his kufr is proven with certainty.

The second situation: If there is a village or town in which the majority are kuffar who openly display their kufr, and the muslimeen therein are rare, then the majhool al-hāl (one whose condition of religion is unknown) therein, with regards to His religion is a kafir, until his Islam is proven with certainty.

The third situation: If there is a town or village in which the ratio of the number of Muslims who are mastoor al-hāl is equal to, or close to that of kuffar who display their kufr, then many scholars rule by ijtiḥad that the majhool al-hāl with regards to his religion is Muslim, in order for the ruling of Islam to be the predominant ruling, until his kufr is proven with certainty.. because Islam is always superior and (another religion) shouldn't be made superior over it.

Therefore, these are rulings which are based on the sources of evidence (Quran and Sunnah) and on the ijtiḥad of the scholars...which are far from the deception and falsehood of the ghulat.

End of fatwa

Shaykh Abu Bara'a as-Sayf فاك الله اسره

Fatwa:

Question:

Should I ask each and every person and explain to them the kufr of Erdogan, which would take a long time?

What we know here in Ash-Sham is possibly hidden from you, but Erdogan has a large following from the people here.

Answer:

The matter isn't hidden from me my brother as I was in Ash-Shām for many years..

The Shari'ah hasn't commanded you to ask each and every individual regarding this from the start, so why would you charge yourself with something the Shari'ah hasn't made you responsible for?!

You must deal with them based on what is apparently evident from them if they are Muslims mastoor al-hāl (i.e. they attribute themselves to Islam or display signs of Islam).

However, if Allah destined that you happen to meet someone who says something to this effect, then clarify to him the guidance, truth and correct matter regarding this and the condition of this taghut and what he has fallen into of apostasy using evidence from the Shari'ah, and remove his doubt for not making takfeer of him. If after that he withholds takfeer of him (i.e. of Erdogan), or insists that he is upon Islam, then he is a stubborn kafir.

Allah says, {*And Allāh would not let a people stray after He has guided them until He makes clear to them what they should avoid. Indeed, Allāh is Knowing of all things.*} [Tawbah:115]

And Allah the Most High says, {*And whoever opposes the Messenger after*

guidance has become clear to him and follows other than the way of the believers - We will give him what he has taken, and drive him into Hell, and evil it is as a destination.} [Nisa:115]

And if the guidance (i.e. truth) has been made clear to someone, but he persists in misguidance, then he is a stubborn one in opposition (to the truth).

والله أعلم

Shaykh Abu Bara'a as-Sayf

Fatwa:

Question:

O Shaykh, Barakallah fik. If someone says as you do, with regards to the principle; (*Ruling is for the majority and the rare/minority have no ruling*).

Then we say for example, here in Egypt, all the males enter the army (service) except very specific cases such as one being the only male, or the eldest son and his mother has been divorced or he has disability or has been exempt from military training.

So if someone says based on this principle, (Ruling is for the majority and the rare/minority have no ruling), we now make general takfeer on the males excluding the women.

What is the response to this?

Answer:

The ruling of takfeer cannot be affirmed against an individual except by Shar'i means and evidence, which is by the testimony of two just witnesses or his acknowledgment to having committed kufr, or by oneself seeing him commit or say the words of kufr.

If this cannot be proven against him individually, of him having committed kufr, then takfeer upon an individual cannot be made.

This is why such statements like all the people have voted or sought tahākum or entered military service etc. which the ignorant ghulat who make (general) takfeer repeat isn't valid in the Shari'ah, and the majority of those who want to make takfeer of these individuals collectively in this way, and want to treat them like kuffar, are not able to prove kufr against them by Shar'i means.

So their words become mere assumptions and accusations!

If they claim that (all) the people vote, seek judgment from the taghut courts, and enter the military service, etc, then it is said to them in response, and how do you know that they may have done so and may have repented thereafter?!

If they request proof of their repentance, we first require that they prove the kufr of each individual before we begin to investigate whether they repented or not.

And the principle, (*Ruling is for the majority and the rare/minority have no ruling*) includes the majhool al-hāl (i.e. one whose condition of religion is not known) in specific cases.

And it doesn't include those whose condition is apparently evident, by which one is able to pass a ruling upon him; i.e., he displays Islam or displays kufr, because this type of individual is ruled upon based on what he displays

والله أعلى وأعلم

Abu Bara'a as-Sayf (may Allah hasten his release with honor)

Fatwa:

Question:

O honourable Shaykh, elections and seeking tahakum (from the kuffar) are not compulsory matters and not everyone participates in them. Even their statistics state that there are millions who don't vote.

As for the military service, everyone joins it as it is compulsory to do so at a certain age, except in rare specific cases as I mentioned. Therefore, we are certain of this, that it is a system of the country and everyone is forced to join the army.

There are some who say something to the effect that the majority of the people enter the military service for certain, so we generalise the ruling upon the ones who have reached that certain age (of compulsory service), and the rare cases who don't enter have no ruling. So their claim of their joining the army is a matter of certainty as it is a system of the country.

What is your response to this?

Answer:

The response is that these are testimonies of the kuffar, that the majority enter the army for compulsory military training and these are government statistics, and originally, the testimony of a kafir against a Muslim isn't accepted.

And we cannot make takfeer of a particular Muslim except by Shar'i means and proof. Therefore, we must see him with certainty, that he entered the army and it must be proven to us that he did so, in order for us to remove from him (the ruling) Islam (which is affirmed to him with certainty).

Who said that the majority enter the army and compulsory military training?
Isn't this the testimony of the kuffar?!

And we didn't come to know that these millions entered the army except through the testimonies of the kuffar! Bearing in mind, they (the Muslims) are able to trick them and pay money/fee in order not to enter compulsory military training or they may forge medical certificates in order not to enter..

Or perhaps he entered and left and has a valid shar'i preventative which prevents the ruling of his takfeer, like not intentionally doing so, due to not knowing the reality of the mission of the kufri army in some cases, in cases when it is possible (to exist) etc..

Then based on all these assumptions, to make it a certain matter, that every individual we see from the public, (we assert) that he definitely entered the army and left and became under the authority of the Muslims that he is immediately made takfeer upon, all this is not correct according to the Shar'iah since it is possible that he is from those who deceived them and didn't enter it in the first place..

In conclusion, as I clarified previously - to assert with certainty that the Muslim who has become under Muslim authority is a kafir - cannot be proven except in accordance to Shar'i means and proof and after the absence of any preventatives considered valid by Shar'iah which may prevent the ruling of takfeer upon him.

And it cannot be done based on the testimonies of the kuffar.

والله أعلم

Abu Bara'a as-Sayf (May Allah hasten his release with honor)

والحمد لله رب العالمين